

### REMARKS

In the Office Action dated November 15, 2006, claims 20-22 and 24-26 were rejected under 35 U.S.C. § 101; and claims 1-12, 14-19, 27, and 28 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 7,006,477 (Balachandran) in view of U.S. Patent No. 6,842,462 (Ramjee).

### REJECTION UNDER 35 U.S.C. § 101

Independent claims 20, 22, and 24 have been amended to recite at least one computer-readable storage medium containing instructions that when executed cause at least one processor in a wireless access system to perform the recited acts.

In view of these amendments, it is respectfully submitted that the § 101 rejection has been addressed.

Since no prior art rejection has been asserted against claims 20, 22, and 24, it is believed that these claims are now in condition for allowance.

REJECTION UNDER 35 U.S.C. § 103

Independent Claims 2, 5

Independent claim 5 has been amended to improve its form—the substance of claim 5 has not been changed.

Claim 5 was rejected as being obvious over Balachandran in view of Ramjee. It is respectfully submitted that a *prima facie* case of obviousness has not been established for at least the following reasons: (1) no motivation or suggestion existed to combine the reference teachings, and (2) the references when combined do not teach or suggest all elements of claim 5. See M.P.E.P. § 2143 (8<sup>th</sup> ed., Rev. 5), at 2100-126.

The Office Action conceded the Balachandran fails to disclose the following subject matter of claim 5: receiving the Temporary Logical Link Identity (TLLI) structure having one of plural values; and selecting one of plural types of protocol stacks to use for communications over an air link based on which of the plural values is contained in the TLLI structure. 11/15/2006 Office Action at 5. Instead, the Office Action relied upon Ramjee as disclosing the receiving of the TLLI structure.

The Office Action noted that Balachandran discloses “an ARI unique identifier assign [sic] to the mobile but fails to disclose a Temporary Logical Link Identity.” *Id.* The ARI is a unique identifier assigned to a mobile during access and assignment procedures. Balanchandran, 14:60-61. There is no suggestion anywhere in Balanchandran that the ARI unique identifier can have one of plural values, and that such plural values are used for selecting one of plural types of protocol stacks. Thus, although the Office Action refers to the ARI unique identifier of Balanchandran, the Office Action has failed to explain how such ARI unique identifier has anything to do with the claimed subject matter.

In citing Ramjee as disclosing a TLLI, the Office Action referred specifically to column 7, lines 41-53, of Ramjee. The cited passage of Ramjee refers dataflow interworking performed by a GPRS-IP Interworking entity (GII), which maps an IP addressed message to a TLLI and profile for a mobile device. The cited passage also mentions that the TLLI identifies the mobile device. However, there is *no suggestion* that the TLLI of Ramjee has one of plural values on which selection of one of plural types of protocol stacks is based. In fact, the TLLI of Ramjee is

used in the conventional manner, and not for the purpose of selecting from plural types of protocol stacks. Thus, the citation of Ramjee fails to remedy the shortcoming of Balanchandran. Therefore, it is clear that no motivation or suggestion existed to combine Balanchandran with Ramjee.

Moreover, the rationale stated in the Office Action as purportedly supporting the obviousness rejection is that “it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify the invention of Balanchandran using the teaching of the Temporary Logical Link Identity as taught by Ramjee.” 11/15/2006 Office Action at 5. The Office Action further stated that “[t]his modification of the invention enables the system to have the Temporary Logical Link Identity so that the mobile would have access to the channel.” *Id.* The stated motivation in the Office Action bears absolutely no relationship to using plural values of TLLI for selecting one of plural types of protocol stacks; therefore, it is respectfully submitted that the Office Action has failed to establish a *prima facie* case of obviousness.

In addition, even if it were proper to incorporate the teaching of TLLI in Ramjee into Balanchandran, it is noted that there is no teaching or suggestion in Ramjee and Balanchandran of using the TLLI for the purpose of selecting different types of protocol stacks. Thus, the hypothetical combination of Balanchandran and Ramjee fails to teach or suggest all elements of claim 1. This is a further reason that the obviousness rejection is defective.

Independent claim 2 is similarly allowable over the Balanchandran and Ramjee.

#### Independent Claim 1

Independent claim 1 recites receiving, in a wireless network controller, an indicator that comprises one of plural training sequences in a message sent over an air link by a mobile station to establish a data transfer session in the wireless network, and selecting one of plural types of protocol stacks in the wireless network controller to use for communications over the air link between the wireless network controller and mobile station based on which of the plural training sequences is in the message.

The Office Action cited column 14, lines 60-67, of Balanchandran as disclosing the receiving act of claim 1, and cited column 20, line 56-column 21, line 16, as disclosing the selecting act of claim 1.

The cited column 14 passage of Balanchandran refers to an ARI assigned to a mobile, and including such ARI in an access burst. This cited passage of Balanchandran also notes that the network responds immediately with a single burst assignment message including the ARI.

The cited passage in columns 20-21 of Balanchandran refers to “four key procedures needed to perform real-time scheduling of uplink and downlink traffic channel resources . . . .” This cited passage describes providing access requests on a FRACH, and performing traffic channel assignment occurring on FASSCH or BFACCH. The cited passage further notes that acknowledgments to assignments occur on either FACKCH or BFACCH. Nowhere in the cited passage in columns 20-21 of Balanchandran is there any hint or suggestion of selecting one of plural types of protocol stacks in the wireless network controller to use for communications over the air link between the wireless network controller and mobile station based on which of the plural training sequences is in the received message.

Thus, contrary to the assertion in the Office Action, Balanchandran fails to disclose or suggest the selecting act of claim 1. Ramjee also similarly fails to teach or suggest the claimed subject matter. The Office Action cited column 7, lines 19-30, of Ramjee as disclosing selecting one of plural types of protocol stacks “at the network side.” 11/15/2006 Office Action at 4. However, there is no suggestion whatsoever in the cited passage of Ramjee, or anywhere else in Ramjee, of selecting one of plural types of protocol stacks based on which of plural training sequences is in the message.

Thus, the Office Action has failed to establish a *prima facie* case of obviousness, since no motivation or suggestion existed to combine Balanchandran and Ramjee, and the hypothetical combination of Balanchandran and Ramjee fails to teach or suggest all elements of claim 1.

### Independent Claim 9

Independent claim 9 was also rejected as being obvious over Balachandran and Ramjee. Claim 9 recites a method that includes receiving, in a wireless network controller, an indicator in a message sent by a mobile station to establish a data transfer session in the wireless network, and selecting one of plural types of protocol stacks to use for communications over an air link between the wireless network controller and the mobile station based on the indicator. Claim 9 defines this indicator as being a parameter used for *contention resolution* by the wireless network controller for distinguishing between multiple mobile stations that are contending for a common resource.

In the Office Action, the rejection of claim 9 was grouped with claim 1. In fact, the Office Action did not even cite to the language of claim 9 on pages 4 and 5 of the Office Action. Therefore, the obviousness rejection is clearly defective.

Page 6 of the Office Action states that “Balanchandran discloses on column 3, lines 11-25, a determination of minimum radiated power level between different access technologies is a ‘contention resolution.’” The cited language appears to be from the previous Office Action, which cited Khullar as disclosing this feature. Therefore, it is believed that the notation on page 6 of the present Office Action regarding claim 9 is a typographical error.

In fact, Balachandran provides no suggestion of any desirability to use a parameter for contention resolution by a wireless network controller for distinguishing between multiple mobile stations that are contending for a common resource, where the parameter is used for the purpose of selecting one of plural types of protocol networks. Ramjee also fails to teach or suggest this feature.

In view of the foregoing, it is respectfully submitted that the hypothetical combination of Balachandran and Ramjee clearly does not teach or suggest all elements of claim 9. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 9.

Independent Claim 14

Independent claim 14 was also rejected as being obvious over Balachandran and Ramjee. Claim 14 recites a controller to perform contention resolution with a first type of mobile station using a first type of indicator, the controller adapted to communicate signaling according to a first wireless protocol with the first type of mobile station; and the controller adapted to perform contention resolution with a second type of mobile station using a second type of indicator, the controller adapted to communicate signaling according to a second wireless protocol with a second type of mobile station.

The Office Action cited the following passage of Balachandran as disclosing the subject matter of claim 14: column 20, line 56-column 21, line 16. As discussed above, this passage of Balachandran refers an access request, traffic channel assignment, and acknowledgment of the traffic channel assignment. There is no suggestion in this passage of Balachandran of performing contention resolutions with different types of mobile stations using different types of indicators. Ramjee also does not teach or suggest this feature of claim 14.

Therefore, a *prima facie* case of obviousness has also not been established with regard to this claim.

CONCLUSION

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0102US).

Respectfully submitted,

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